

Docket No.: 1359.1052

Serial No. 09/940,522

REMARKS

In accordance with the foregoing, claims 1, 2, and 4 were previously cancelled, claims 3, 5, 7, and 9-16 are currently amended, as detailed hereinafter, to clarify the distinction over the prior art and rejections of the Action. No new matter is presented and, accordingly, approval and entry of the amended claims are respectfully requested.

STATUS OF CLAIMS

Claims 3 and 5-18 are pending the application. Claims 7, 12, 14, 17 and 18 are allowed. Claims 3, 5, 6, 8-11, 13, 15 and 16 are rejected.

ITEM 2: EXAMINER'S RESPONSE REGARDING ARGUMENTS AS TO CLAIMS 5 AND 15-16

Applicants argued that as to claims 5, 15 and 16, the prior art of record fails "to teach a progressive operator interaction (Amendment, pages 15-16). In response, the Examiner urges that Davis et al. "teaches such a progressive interaction in the form of a standard update (involvement) of the user entry form at an operator station (col. 9, lines 1-11), ...[and]... direct interaction (parallel input of data) through data (col. 11, lines 36-58)...." It is respectfully submitted that the Examiner misinterprets the terminology of claim 5.

In claim 5, "involvement" means a state where "the third party (operator) can update the contents of interaction between the first user and the interaction engine", and the "parallel input" means the state where "the third party can conduct an input to the interaction engine in parallel with the first user". The meanings of "involvement" and "parallel input" which should be given to the terms of the claims are not disclosed in col. 11, line 36, col. 12, line 20 of Davis and, accordingly, Applicants' prior arguments are submitted to be adequate, alone, to distinguish over the prior rejection.

ITEM 5: REJECTION OF CLAIMS 5, 11, 13 AND 15-16 FOR OBVIOUSNESS OVER BOHACEK ET AL. IN VIEW OF MARX ET AL. (U.S. PATENT 6,173,266) AND DAVIS ET AL. (U.S. PATENT 5,583,922)

The rejection is respectfully traversed.

In mounting this new ground of rejection, the Examiner does not compare the limitation of claim 5 "determines a progress of interaction in accordance with an interaction time from a beginning of the user's interaction and the number of accesses to the interaction engine" with the cited Marx reference in a correct manner. To the contrary, the Examiner erroneously describes the limitation of claim 3 at page 8, line 7 from the bottom to the last line on page 8 of the Office Action. The rejection is fatally defective, since not addressing terminology of claim 5.

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More particularly, as here pertinent, the Examiner points out that Daudelin discloses in col. 11, lines 23-54 that:

...in a case where the average reaction time exceeds a first threshold value that is an upper limit of a reaction time in ordinary interaction or in a case where the average reaction time is below a second threshold value that is a lower limit of a reaction time in ordinary interaction, allows a third-party user to participate".

(Action at page 5, third paragraph; emphasized recitations appear in Daudelin but not in the Examiner's citation of same)

To the contrary of the Examiner's interpretation of Daudelin, quoted above, Daudelin describes in col. 11, lines 26-28 that "if no response is made by the called customer within a predetermined interval". This description may correspond to the clause of the claims of "in a case where the average reaction time exceeds a first threshold value that is an upper limit of a reaction time in ordinary interaction". However, Daudelin does not disclose the further recitation, common to claims 3, 9 and 10, that "in a case where the average reaction time is below a second threshold value that is a lower limit of a reaction time in ordinary interaction".

As recited in claims 3, 9 and 10, by allowing a third party user to participate "in a case where the average reaction time is below a second threshold value that is a lower limit of a reaction time in ordinary interaction", an operator (third party) is allowed to appropriately participate in accordance with an interaction situation of a user, using the nature peculiar to interaction: "when interaction becomes redundant, a reaction time is likely to become short gradually (page 10, lines 7-18 of the specification)".

Accordingly, independent claims 3, 9 and 10 are submitted to distinguish patentably over the references relied upon in Item 4 of the Action, as applied to claims 3, 6 and 8 as well as to claims 9 and 10 as hereinabove explained, whether those references are taken singularly or in any proper combination.

LACK OF PRIMA FACIE DEMONSTRATION OF OBVIOUSNESS OF THE COMBINATION OF PRIOR ART REFERENCES RELIED UPON RENDERS ALL OF THE REJECTIONS FATALLY DEFICIENT

In each of the foregoing combinations, the basic thrust of the justification for the combination resides in the contention that "it would have been obvious to a person of ordinary skill in the art..." to modify the teachings of one reference with those of another -- and, indeed, Item 4 relies on Bohacek, Daudelin and Davis whereas Item 5 relies on the different combination of Bohacek, Marx and Davis, the latter being urged to be an obvious combination on grounds equally deficient as those advanced in Item 4 of the Action. MPEP 2143.2143.03.

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To reinforce the above point, the "progress of interaction" in claim 5 is determined "in accordance with an interaction time from a beginning of the user's interaction and the number of accesses to the interaction engine". None of Marx, Davis and Bohacek describes any such "progress of interaction".

Furthermore, as argued in the response to the previous Office Action, the feature of "a participation form of the third-party user is successively changed, in an increasing order of the progress of interaction, from (1) involvement, (2) parallel input, to (3) switching" clearly would not be obvious over Marx, Davis and Bohacek, taken singularly or in any proper combination.

As described above, none of Marx, Davis and Bohacek describes or even suggests the feature of claims 5, 15 and 16 that "determines a progress of interaction in accordance with an interaction time from a beginning of the user's interaction with the interaction engine and the number of accesses to the interaction engine, and a participation form of the third-party user is successively changed, in an increasing order of the progress of interaction, from (1) involvement, (2) parallel input, to (3) switching".

Claims 3, 9, and 10

ITEM 2: EXAMINER'S RESPONSE TO ARGUMENTS AS TO CLAIMS 9 AND 10

Merely for clarification, Applicants had intended to amend claims 9 and 10 in the same fashion as claim 3 in the prior Response and due to the oversight of not doing so, the Examiner correctly notes that arguments advanced commonly in support of the patentability of claims 3, 9 and 10 were not pertinent as to claims 9 and 10.

Claims 9 and 10 are amended herein, commonly, to include the recitation of claim 3 and, accordingly, the same are addressed jointly with claim 3 herein.

ITEM 4: REJECTION OF CLAIMS 3, 6 AND 8 (9 AND 10) UNDER 35 U.S.C. §103(a) OVER BOHACEK ET AL. (U.S. PATENT 6,411,687) IN VIEW OF DAUDELIN (U.S. PATENT 4,797,910) AND DAVIS ET AL. (U.S. PATENT 5,583,922)

The rejections are respectfully traversed.

Applicants submit that the references to Bohacek et al. and Davis et al., previously of record, were distinguished adequately in the prior Response and which distinctions are incorporated herein by reference.

Indeed, at page 5 of the Action, the Examiner concedes that:

Bohacek does not specifically suggests the ability to transfer a call to an operator when a user fails to produce a response within [a] response reaction time interval, however, Daudelin recites...."

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ITEM 7: ALLOWANCE OF CLAIMS 7, 12, 14, 17 AND 18

The allowance of the foregoing claims in Item 7 is acknowledged and greatly appreciated.

CONCLUSION

It is respectfully submitted that the foregoing has demonstrated that the pending claims patentably distinguish over the rejections and references of record and, there being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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